

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 13, 2001

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices  
Alex McDonald and Terry O'Rourke  
Clerk: D. E. Moore

**D033991      People v. Gesse**

Cause called on merits. Kristine Marie Watkins, Esq. argued for appellant. Lilia Garcia, Deputy Attorney General argued for respondent. Ms. Watkins replied. Cause submitted.

**D034779      People v. Garcia**

Cause called on merits. Marianne Harguindeguy, Esq. argued for appellant. Sara Gros Cloren, Deputy Attorney General argued for respondent. Cause submitted.

**D036211      People v. McGuire**

Cause called on merits. Richard W. Weinthal, Esq. argued for appellant. Lisa Jacobsen, Deputy Attorney General argued for respondent. Cause submitted.

**D035406      People v. Jacobs**

Cause called on merits. Chuck Sevilla, Esq. argued for appellant. Lisa Jacobsen, Deputy Attorney General argued for respondent. Mr. Sevilla replied. Cause submitted.

Court recessed at 10:10 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices  
Alex McDonald and Terry O'Rourke  
Clerk: D. E. Moore

**D036799      Minka v. Sharp Mission Park Medical Group**

Cause called on merits. No appearances by Carlos F. Negrete, Esq., counsel for appellant. Gabriel M. Benrubi, Esq. was present in oral argument for respondent, Sharp Mission Park Medical Group and submitted on the briefs. Gary Scott Pancer, Esq. was present in oral argument for respondent, Pacificare of California, and submitted on the briefs. Cause submitted.

**D036087      Paton v. Scripps Clinic Medical Group, Inc.**

Cause called on merits. James E. McElroy, Esq. argued for appellant. Gary Pancer, Esq. argued for respondent, Pacificare of California. Eugene A. Patrizio, Esq. argued for respondent, Scripps Clinic Medical Group. Mr. McElroy replied. Cause submitted.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 13, 2001 (Continued)

**D034531      People v. Davis**

Cause called on merits. Carl Fabian, Esq. argued for appellant, Puckett. Patricia J. Ulibarri, Esq. argued for appellant, Davis. Charles Ragland, Deputy Attorney General argued for respondent. Mr. Fabian replied. Ms. Ulibarri replied. Cause submitted.

**D035411      People v. Mayer**

Cause called on merits. Martha L. McGill, Esq. argued for appellant. Gary Brozio, Deputy Attorney General argued for respondent. Ms. McGill replied. Cause submitted.

**D036933      US Ecology, Inc. v. State of California**

Cause called on merits. Karl Samuel Lytz, Esq. argued for appellant. Laurens H. Silver, Esq. argued for intervenor-respondent, Committee to Bridge the Gap. Paul Reynaga, Deputy Attorney General argued for respondent, State of California. Mr. Lytz replied. Cause submitted.

Court recessed at 3:35 p.m. until Tuesday, August 14, 2001 at 9:00 a.m.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 14, 2001

**D038351        Thueson v. Cosmederm Technologies, et al.**

The appeal is dismissed without prejudice to filing an appeal when a judgment is entered because it is premature.

**D038469        People v. Williams**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

**D038489        People v. Carter**

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

Court convened at 9:00 a.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

Clerk: D. E. Moore

**D036203        People v. Baker**

Cause called on merits. Patrick Morgan Ford, Esq. argued for appellant. David Delgado-Rucci, Deputy Attorney General argued for respondent. Mr. Ford replied. Cause submitted.

**D034887        People v. Hoehner**

Cause called on merits. Susan K. Keiser, Esq. argued for appellant. Felicity Senoski, Deputy Attorney General argued for respondent. Ms. Keiser replied. Cause submitted.

**D037156        Theberge et al. v. City of Coronado**

Cause called on merits. Amy Nefouse, Esq. argued for appellant. Richard G. Opper, Esq. argued for respondent. Ms. Nefouse replied. Cause submitted.

**D035952        Theberge et al. v. City of Coronado**

Cause called on merits. Amy Nefouse, Esq. argued for appellant. Richard G. Opper, Esq. argued for respondent. Ms. Nefouse replied. Cause submitted.

Court recessed at 10:00 a.m. until 1:30 p.m.

**D038338        Santos L. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Lorena A. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Lorena A. is dismissed.

**D037551        Petty v. ICU Medical, Inc.**

The judgment is increased from \$673,142 to \$795,448, plus pre- and post-judgment interest calculated on the \$122,306 increase. The judgment is affirmed as modified. Costs on appeal are awarded to Petty. McIntyre, J.; We Concur: Kremer, P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 14, 2001 (Continued)

Court reconvened at 1:30 p.m.

Present: The Honorable Judith Haller, Acting Presiding Justice, and The Honorable Associate Justices  
Alex McDonald and Terry O'Rourke  
Clerk: D. E. Moore

**D035055      People v. Hucker**

Cause called on merits. Kristine Marie Watkins, Esq. argued for appellant. Holly Wilkins, Deputy Attorney General argued for respondent. Ms. Watkins replied. Cause submitted.

**D035984      In re Jimmy R., a Juvenile**

Cause called on merits. Lynn G. McGinnis, Esq. argued for appellant. Peter Dodge, Deputy Attorney General argued for respondent. Ms. McGinnis replied. Cause submitted.

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**D034936      Hall v. Regents of the University of California**

Cause called on merits. Joe B. Cordileone, Esq. argued for appellant. Martin Stein, Esq. argued for respondent. Mr. Cordileone replied. Cause submitted.

**D035649      Johnson v. Farmers Insurance Exchange**

Cause called on merits. Lisa S. Kantor, Esq. argued for appellant. Steven Henry Weinstein, Esq. argued for respondent. Ms. Kantor replied. Cause submitted.

Court recessed at 2:55 p.m. until August 27, 2001 at 10 a.m.

**D038485      In re Anders on on Habeas Corpus**

The petition is denied.

**D038441      In re Deno on Habeas Corpus**

The petition is denied.

**D037977      In re Anthony L., a Juvenile**

The appeal is dismissed.

**D034531      People v. Davis and Puckett**

The previous submission order in this matter is vacated. The motion to file post oral argument supplemental briefs is granted. Appellants shall file supplemental briefs by August 30, 2001. Respondent shall file any response by September 13, 2001. Appellants shall file any reply briefs to the response by September 20, 2001.

**D035708      In re Shadeed S., a Juvenile**

Upon filing an abandonment of appeal, the appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 15, 2001

**D038257 Kristia H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Kristia H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D038238 Gwendolyn B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Gwendolyn B. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D038493 Lourdes L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The Notice of Intent to file Writ Petition and Request for Record, rule 39.1B is dismissed as untimely.

**D038474 Personal Representative of Ronald Williams Estate et al. v. Superior Court of San Diego County/Marsch**

The petition is denied.

**D035871 Kirk v. Chuey's Numero Uno, Inc., et al.**

The petition for rehearing is denied.

**D034974 People v. Harbour**

The petition for rehearing is denied.

**D036626 People v. Phillips**

The abstract of judgment is ordered modified to reflect imposition of the fine of \$618.24 pursuant to section 1203.1h, subdivision (b) rather than section 1202.4, subdivision (f), and copies of the amended abstract are to be forwarded to the Department of Corrections. The judgment is otherwise affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

**D038387 Diehl v. Harris et al.**

The appeal and cross-appeal are dismissed as each seeks review of a non-appealable order.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 16, 2001

**D038461        Stern et al. v. Superior Court of County of San Diego/Schiff**  
The petition is denied.

**D037351        People v. Arevalo**  
Upon filing an abandonment of appeal, the appeal is dismissed.

**D036087        Paton et al. v. Scripps Clinic Rancho San Diego Medical Group, Inc., et al.**  
The judgment is reversed and the cause is remanded for further proceedings consistent with this opinion.  
The Patons are entitled to costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

**D037004        Mason v. Ried Tool Supply Company, Inc. et al.**  
The judgment is affirmed. Costs are awarded to respondents. Huffman, Acting P.J.;  
We Concur: McIntyre, J., O'Rourke, J.

**D035415        People v. Karafili**  
The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

**D038528        Fuller v. Superior Court of Imperial County/People**  
The petition is denied.

**D038429        In re Rojero on Habeas Corpus**  
The petition is denied.

**D038481        Hill et al. v. Superior Court of San Diego County/Santangelo-Herman et al.**  
The petition is denied.

**D038496        In re Barrera on Habeas Corpus**  
The petition is denied.

**D038495        In re Speck on Habeas Corpus**  
The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

August 17, 2001

**D035781        People v. Halgren**

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

**D036001        Taylor et al. v. TIG Insurance Company**

Upon written request filed by appellants, the appeal is dismissed.

**D037540        Margala v. Horwitz et al.**

This court's order filed August 8, 2001, dismissing the appeal as to the orders of November 2, 6, and 9, 2000, is vacated. All appeals in the above-entitled case are stayed pending further order of this court.